Single Bench

(3)

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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 860 / 2005

P.R. No. 856/05 Presented by Shri M.S. Thakur dated 01/3/05

PETITIONER :**Jhutel Ram Kaushik**
S/o Khorjhara Kaushik
Aged about 49 years
Occupation- Asst. Lineman in CSEB,
R/o- village Kosamanda
P.S- Pipariya, Dist- Rajnandgoan (C.G)

Versus

RESPONDENTS

1. **Chhattisgarh State Electricity Board,**
Through its Secretary, C.S.E.B., Raipur
Raipur (C.G)

2. Executive Engineer,
C.S.E.B. Kawardha (CG)

State is not a party Hss

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A SUITABLE WRIT ORDER OF DIRECTION TO DO JUSTICE IN THE MATTER.

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(48)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No.860/2005 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

16.03.2005

Shri H.S. Ahluwalia, counsel for the petitioner.

Heard on admission.

The contention of learned counsel for the petitioner is that the petitioner was working on the post of Assistant Lineman in M.P.E.B. (now C.S.E.B). He has been convicted by the Sessions Court in S.T. No. 144/98 vide order dated 16.10.2000 for the offence punishable under Sections 304-B and 201 of I.P.C. It is submitted that against this order of conviction and sentence, the petitioner has filed an appeal before the High Court of Madhya Pradesh which is pending for disposal.

Learned counsel for the petitioner further submits that all of a sudden the departmental authority has passed an order (Annexure-P/1) by which the petitioner has been terminated from the services on the ground of his conviction vide judgment dated 16.10.2000. The contention of learned counsel for the petitioner is that the aforesaid order of termination, has been passed directly without following the procedure laid down under the law. Counsel further submits that against the said order, the petitioner has filed an appeal before the Appellate authority vide Annexure-P/5 under Rule 23 of the M.P. (C.G.) Civil Services (Classification, Control and Appeal) Rules, 1966 but the appeal has not been decided so far.

Learned counsel for the petitioner submits that for the present, the petition may be disposed of and the Appellate authority

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 860/2005 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

may be directed to decide the appeal within the stipulated period granted by this Court so that the matter may come to an end.

Considering the facts and circumstances of the case and particularly considering the submissions made regarding filing of appeal, I am of the opinion that the ends of justice will be served, if a direction is given to the authority to dispose of the appeal within the stipulated time. It is directed that if the appeal, filed by the petitioner vide Annexure-P/5, has not been disposed of so far, the same shall be disposed of on its own merits in accordance with law by competent authority as early as possible preferably within a period of 2 months from the date of filing of certified copy of this order before the competent authority. It is made clear that this Court has not expressed any opinion on merits.

With the aforesaid directions, the petition stands finally disposed of.

Certified copy as per rules.

Sd/-
SUNIL KUMAR SINHA
Judge

Vatti

Rej
22-3-07